

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CECIL JEROME HATCHETT,  
Petitioner,  
v.  
KEN CLARK,  
Respondent.

No. 2:20-cv-00892-KJM-JDP (HC)

## ORDER

Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 7, 2021, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner has filed objections to the findings and recommendations, primarily noting his need at the time of filing for a copy of the court's form for filing of habeas petitions. ECF No. 30.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis. The

1 court also notes that petitioner has now filed an amended petition on the form for such a filing,  
2 and thus it appears his objections are moot. *See* ECF No. 31.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed April 7, 2021, are adopted in full;  
5 2. Respondent's motion to dismiss, ECF No. 22, is granted;  
6 3. The amended petition, ECF No. 14, is dismissed with leave to amend; and  
7 4. The matter is referred back to the assigned magistrate judge for further handling,  
8 including consideration of the amended petition now on file.

9 DATED: May 27, 2021.

10   
11 CHIEF UNITED STATES DISTRICT JUDGE

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28